

**REMARKS**

Entry and consideration of this Amendment are respectfully requested.

Claims 1-30 are all the claims pending in the application, new claims 25-30 having been added as indicated herein. In the Office Action dated August 11, 2004, the Examiner indicated that all of the claims are rejected. Specifically, claims 1, 2, 4, 8, 13, 14, 16, and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Plunkett (US Patent No. 5,386,478).<sup>1</sup> Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Plunkett as applied to claim 1, in view of Koyama et al. (US Patent No. 5,581,621). Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Plunkett as applied to claim 13, in view of Koyama. Finally, claims 5-7, 9-12, 17-19, and 21-24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Plunkett over Koyama.

**§102(b) Rejections (Plunkett) - Claims 1, 2, 4, 8, 13, 14, 16, and 20**

Plunkett does not teach or suggest at least, “wherein the channel-to-channel level correcting means corrects the adjusted amount of said plurality of channel-to-channel level adjusting means based on one data of sound collecting data, said one data of the sound collecting data having a minimum value with respect to at least one other data of the sound collecting data” as recited in amended claim 1. That is, assuming, *arguendo*, that Plunkett discloses a component for adjusting a level of the audio signal, and correcting the adjusted amount of said component

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<sup>1</sup> Actually, on page 2 of the Office Action, the Examiner only indicates that claims 1, 2, 4, and 8 are anticipated by Plunkett, however claims 13, 14, 16, and 20 are also addressed in the section of the Office Action related to the allegedly anticipated claims.

(see col. 3, lines 49-52, cited by the Examiner), nowhere does Plunkett even mention the above-quoted limitations of claim 1. Therefore, at least based on the foregoing, Applicant submits that the present invention, as recited in amended claim 1, is not anticipated by Plunkett.

Applicant submits that dependent claims 2, 4, and 8 are patentable at least by virtue of their dependency from independent claim 1.

With respect to independent claim 13, Applicant submits that this claim is patentable for reasons similar to those set forth above with respect to claim 1. Applicant submits that dependent claims 14, 16, and 20 are patentable at least by virtue of their dependency from independent claim 13.

**§103(a) Rejection (Plunkett/Koyama) - Claim 3**

Applicant submits that dependent claim 3 is patentable at least by virtue of its dependency from independent claim 1. Koyama does not make up for the deficiencies of Plunkett.

**§103(a) Rejection (Plunkett/Koyama) - Claims 15**

Applicant submits that dependent claim 15 is patentable at least by virtue of its dependency from independent claim 13. Koyama does not make up for the deficiencies of Plunkett.

**§103(a) Rejections (Plunkett/Koyama) - Claims 5-7, 9-12, 17-19, and 21-24**

Applicant submits that independent claims 5, 9, 17, and 21 are patentable for reasons similar to those set forth above with respect to claim 1. Dependent claims 6, 7, 10-12, 18, 19,

**PRELIMINARY AMENDMENT**  
**U. S. Application No. 09/781,276**

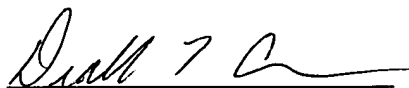
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and 22-24 are patentable at least by virtue of their respective dependency from independent claims 5, 9, 17 and 22. Koyama does not make up for the deficiencies of Plunkett.

Finally, Applicant adds new claims 25-30 to provide a varying scope of coverage.

Applicant submits that new claims 25-30 are patentable over at least by virtue of their respective dependencies from independent claims 1, 5, 9, 13, 17, and 21.

Respectfully submitted,



Diallo T. Crenshaw  
Registration No. 52,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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